

**MINUTES
of the
THIRD MEETING
of the
CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE**

**August 25, 2004
New Mexico Women's Correctional Facility
1700 East Old Highway 66
Grants**

**August 26, 2004
Auditorium, Walter K. Martinez Memorial Hall
New Mexico State University-Grants
1500 N. 3rd Street
Grants**

The third meeting of the corrections oversight, courts and justice committee was called to order by Representative W. Ken Martinez, co-chair, and Senator Michael S. Sanchez, co-chair, on August 25, 2004 at 10:30 a.m. at the New Mexico Women's Correctional Facility (NMWCF) in Grants.

PRESENT

Rep. W. Ken Martinez, Co-Chair
Sen. Michael S. Sanchez, Co-Chair
Rep. Thomas A. Anderson
Sen. Richard C. Martinez

ABSENT

Rep. Joseph Cervantes
Rep. Ron Godbey
Sen. Carroll H. Leavell
Sen. William H. Payne

Advisory members

Rep. Gail C. Beam (8/25)
Sen. Cisco McSorley
Rep. Jane E. Powdrell-Culbert
Sen. Lidio G. Rainaldi
Sen. H. Diane Snyder (8/26)
Rep. Sheryl Williams Stapleton
Rep. Peter Wirth

Sen. Ben D. Altamirano
Sen. Mary Jane M. Garcia
Sen. Gay G. Kernan
Rep. Al Park
Sen. Shannon Robinson
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Rep. Joe Thompson

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Maha Khoury
Elizabeth Holmes
Evan Blackstone

Guests

The guest list is in the meeting file.

Wednesday, August 25

Committee Business

Representative Martinez and Senator Sanchez welcomed committee members and guests.

The committee approved the minutes from the July 29-30, 2004 meeting.

Corrections Corporation of America (CCA) Operations in New Mexico

Laurie Shanblum, CCA regional director, Ed Mahr, CCA lobbyist, and Bill Snodgrass, NMWCF warden, provided the committee with an update on their facilities and operations statewide and at NMWCF. They were questioned on the housing of federal, state and county prisoners; the variance in pay for correctional officers; and procedures at the facilities. The committee raised contract issues between CCA and its medical services provider and questioned CCA on the telecommunications services provided to inmates and whether those contracts comply with New Mexico law. Discussion then turned to the relocation of female inmates to the Camino Nuevo facility in Albuquerque and its impact on NMWCF. The committee questioned the presenters and members of the audience from the corrections department on voter registration issues and the procedures for notifying inmates who have successfully completed their sentence and parole of their right to vote and the possibility of streamlining the process.

New Mexico Women's Justice Project, Inc. (NMWJP)

Janet Winchester-Silbaugh, board chair of NMWJP, Maureen Sanders, board secretary, and Angie Vachio, board member, reported on circumstances faced by female inmates and how incarceration, treatment and rehabilitation of women must be approached in a different way than for men. Ms. Winchester-Silbaugh and Ms. Saunders discussed how most women in prison are incarcerated for drug-related reasons and how their rehabilitation requires gender responsive programming. Ms. Vachio discussed the increase in the creation of crimes defined as child abuse, the need for children to see their parents while they are in prison and the federal law that terminates parental rights when a parent is in jail. Ms. Vachio went over some of the federal and state statutory barriers women and men face when they leave a correctional facility and attempt to reintegrate into their families and communities. The presenters were requested to discuss some of their concerns with district attorneys and the corrections department and with others who continue to want to get tough on crime and to return to the next meeting for questions by the committee.

Site Tour of NMWCF

The committee conducted a tour of NMWCF.

Juvenile Parole Board Issues

Bob Cleavall, juvenile committee chair of the New Mexico sentencing commission (NMSC), Rick Sandoval, juvenile parole board (JPB) executive director, and Tony Ortiz and Julie Frendle, staff of the NMSC, provided the committee with an overview of juvenile parole boards and their operations in the United States. There are six states aside from New Mexico that have juvenile parole boards. The presenters went over juvenile parole board statistics, discharges and commitments and recommended the enhancement of the parole board, including increasing the number of JPB members from three to five, providing additional compensation or a stipend to board members that would go beyond the present allowed mileage and per diem, and extending the 60-day eligibility for parole after it is denied to 90 days. There was a discussion about why juvenile parole board members are not showing up at hearings. Also recommended was the establishment of more treatment programs so a greater number of juveniles can be paroled.

Early Retirement for Certain Corrections Employees and Wage Adjustment Increase for Corrections Officers

Ralph Robles, president of local 3422 of the American federation of state, county and municipal employees (AFSCME), and various employees of the corrections system discussed early retirement plans for certain correctional employees, namely, juvenile corrections officers, caseworkers, psychologists and probation and parole officers. The presenters discussed high turnover, stress and the danger and hazards that these employees face on a daily basis and how an early retirement plan may cause employees to stay at the job longer. Representative Martinez suggested that PERA be requested to conduct a study to see if a 20-year retirement is actuarially sound and to inquire as to whether early retirement would create a staffing problem from the agency's view. Carter Bundy, AFSCME, discussed various studies that have been done. A wage adjustment increase of \$3.50 was also requested. The committee questioned whether it was correct procedure for these requests to be made to the legislature since there is a collective bargaining agreement between AFSCME and the state.

Update on the DNA Identification System

John Krebsbach, chair of the DNA oversight committee, advised the committee on the status of the DNA identification system. He briefed the committee on successful investigations and arrests that have been realized due to the existence of a DNA database for convicted felons. The committee also viewed an investigative news report segment.

The committee recessed at 5:10 p.m.

Thursday, August 26

The committee reconvened at the Walter K. Martinez memorial hall at New Mexico state university in Grants. The meeting commenced at 9:30 a.m.

Alcohol Reform Initiatives in the City of Gallup (House Joint Memorial 80)

Robert Rosebrough, mayor of Gallup, and Representative Irvin Harrison described some successful alcohol reform initiatives taken by the city of Gallup and its citizens. Mr. Rosebrough

informed the committee that local action included vendors voluntarily restricting the hours during which they sold alcohol and described other compliance measures and local initiatives taken by the city. Mr. Rosebrough stated they were working on some long-range plans and looking at social issues related to alcohol abuse, such as hunger and homelessness. They will be discussing all these issues with the Indian affairs committee next month in Gallup. A discussion ensued on mandatory financial responsibility for alcohol licensees to cover dram shop act lawsuits and injuries.

The Czars: DWI, Drug, Behavioral Health and Domestic Violence

Rachel O'Connor, DWI czar, presented some statistics on DWI, including the fact that 70 percent of DWI fatalities are caused by persons who have no previous DWI convictions, and talked about underage drinking, drinking patterns among various populations and how DWI is a public health issue. The governor's strategic plan for DWI expects to be successful in reducing death and injury. Enforcement is one of the best tools, as well as increased blitzes and arrests. Ms. O'Connor discussed funding by the governor, public awareness efforts, social marketing campaigns, meetings, task forces and the implementation of technology to reduce recidivism.

Leslie Tremaine, behavioral health czar, spoke about how treatment for drug abuse is best done with law enforcement and within the criminal justice system. A discussion ensued on the lack of drug treatment facilities in New Mexico and whether it is effective to connect treatment only within criminal justice. Ms. Tremaine described how she plans to work with medicaid services and school-based programs. There is a \$22 million federal grant that will be administered through the department of health. Ms. Tremaine was requested to bring some baseline data on the number of people who are mentally ill, or who have substance abuse or alcohol problems. Herman Silva, drug czar, read his mission statement and action plan, which are in the meeting file.

Sandra Gardner, domestic violence czar, summarized the June 2004 final report of the domestic violence advisory board and its recommendations. There is a grant to the domestic violence coalition to train early childhood educators in domestic violence. Six million eight hundred thousand dollars was spent last year for programs related to domestic violence. Ms. Gardner recommended enhanced penalties for repeat offenders and was questioned about cyber-stalking laws. Court and arrest procedures relating to domestic violence were discussed, including unifying cases relating to one family under one judge.

The committee adjourned at 2:00 p.m.